

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§	
	§	Chapter 11
	§	
WALNUT HILLS-GREENVILLE AVE, LLC,	§	Case No. 24-31485
	§	
Debtor.	§	
	§	

EMERGENCY MOTION TO COMPEL PRODUCTION OF DOCUMENTS

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING. REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

EMERGENCY RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE

United Texas Bank ("UTB"), the Debtor's prepetition secured lender, files this *Emergency Motion to Compel Production of Documents* (the "Motion") and, in support hereof states as follows:

GROUND FOR EMERGENCY RELIEF

1. By agreement of the parties, the 2004 Examinations of the Debtor and Debtor's CPA are scheduled for August 28, 2024. UTB has twice agreed to extend the date by which documents must be produced in response to the 2004 Notices, the production date being August 22, 20024. Neither Debtor nor Debtor's CPA have produced any documents. Completion of this discovery is critical in advance of (i) the September 3, 2024 hearing on UTB's Motion to Appoint Examiner; and (ii) the September 16, 2024 hearing on confirmation of Debtor's Plan.

BACKGROUND

2. This is a single asset real estate case. UTB is Debtor's secured lender and is owed \$21,142,535.49 as of the petition date. *See* UTB's Proof of Claim No. 3.

3. On July 29, 2024, UTB noticed the 2004 Examination of Debtor for August 20, 2024, with a document production date of August 15, 2024. *See* Dkt. 36. On August 8, 2024, UTB noticed the 2004 Examination of Debtor's CPA, Mark Previty, for August 28, 20024, with a document production date of August 23, 2024. *See* Dkt. 50. By agreement of the parties, both 2004 Examinations were rescheduled to August 28, 2024, with document production due August 22, 2024.

4. Neither Debtor nor Mr. Previty produced documents on August 22, 2024. No explanation has been provided and Debtor's counsel has not responded to a follow up e-mail.

RELIEF REQUESTED

UTB requests that the Court set an emergency hearing at its earliest convenience and enter an order compelling Debtor and Mr. Previty to produce all documents responsive to the 2004 Exam Notices. Debtor's compliance is required by the Bankruptcy Rules and this information is critical

to the upcoming hearings that are scheduled for September 3, 2024 and September 16, 2024. Good cause exists for UTB's request for this relief.

PRAYER

WHEREFORE, UTB respectfully requests that the Court (i) set this Motion for an emergency hearing at its earliest convenience; (ii) compel Debtor and Mr. Previty to produce all requested documents; and (iii) award UTB such other and further relief to which it may be entitled.

DATED: August 23, 2024

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ Michael P. Ridulfo

Michael P. Ridulfo

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Counsel for United Texas Bank

CERTIFICATE OF CONFERENCE

Debtor's production of documents on August 22, 2024 was agreed to by counsel. The undersigned has received no response to an e-mail to Debtor's counsel inquiring about Debtor's non-production.

/s/ Michael P. Ridulfo

Michael P. Ridulfo

CERTIFICATE OF SERVICE

This is to certify that on August 23, 2024, a true and correct copy of the foregoing notice was filed with the Court and served (i) via the Court's CM/ECF notification system upon all parties registered to receive such electronic notices in this case and (ii) via first-class mail, postage prepaid, upon all parties on the attached Service List.

/s/ Michael P. Ridulfo

Michael P. Ridulfo

Label Matrix for local noticing 0541-4 Case 24-31485 Southern District of Texas Houston Fri Aug 23 15:48:22 CDT 2024	Dallas County Linebarger Goggan Blair & Sampson, LLP c/o John K Turner 2777 N. Stemmons Frwy Ste 1000 Dallas, TX 75207-2328	Walnut Hills-Greenville Ave, LLC 1911 Bagby St Suite 300 Houston, TX 77002-8740
4 United States Bankruptcy Court PO Box 61010 Houston, TX 77208-1010	Advanced Dallas Hospital & Clinics, LLC 1911 Bagby Street Suite 200 Houston, TX 77002-8860	Clinical Communication Partners, LLC c/o Lisa Norman Andrews Myers, P.C. 1885 Saint James Place, 15th Floor Houston, Texas 77056-4175
Dallas County Linebarger Goggan Blair & Sampson, LLP c/o John Kendrick Turner 2777 N. Stemmons Freeway Suite 1000 Dallas, TX 75207-2328	Dallas County c/o Linebarger Goggan Blair & Sampson 2777 N. Stemmons Frwy 1000 Dallas, TX 75207-2328	(p)GRAY REED & MCGRAW LLP ATTN LISA STUCKETT 1300 POST OAK BLVD STE 2000 HOUSTON TX 77056-8000
Kaine Russell Coleman Logan PC Attn: Brian Clark 901 Main St Ste 5200 Dallas, TX 75202-3705	The Lane Law Firm 6200 Savoy Dr Ste 1150 Houston, TX 77036-3369	US Trustee Office of the US Trustee 515 Rusk Ave Ste 3516 Houston, TX 77002-2604
United Texas Bank 13101 Preston Rd Ste 200 Dallas, TX 75240-5220	Robert C Lane The Lane Law Firm 6200 Savoy Dr Ste 1150 Houston, TX 77036-3369	

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Gray Reed & McGraw LLP
c/o Anna M. Virene
1300 Post Oak Blvd
Houston, TX 77056-3043

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)United Texas Bank	(d)Walnut Hills-Greenville Ave, LLC 1911 Bagby St Suite 300 Houston, TX 77002-8740	End of Label Matrix	
		Mailable recipients	13
		Bypassed recipients	2
		Total	15